

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.(S) No. 10312 of 2019**

Uttam Chand Meshram, S/o. Late Baldev Ram Meshram, Aged About 59 Years, Occupation Service, Presently Working As Secretary Senior Upper Grade, Posted At Krishi Upaj Mandi Samiti, Kurud, District Dhamtari Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattigarh, Through Secretary, Agriculture Development And Farmer Welfare And Biological Technology Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur, Chhattisgarh.
2. Chhattisgarh State Agriculture Marketing (Mandi) Board, Beej Bhawan, G.E. Road, Telibandha, Raipur Chhattisgarh, Through Its Managing Director, Chhattisgarh State Agriculture Marketing (Mandi) Board, Beej Bhawan, G.E. Road, Telibandha, Raipur Chhattisgarh.
3. Managing Director, Chhattisgarh State Agriculture Marketing (Mandi) Board, Beej Bhawan, G.E. Road, Telibandha, Raipur Chhattisgarh
4. Rajkumar Ratre, Mandi Inspector, Krishi Upaj Mandi Samiti, Kurud, District Dhamtari Chhattisgarh.

---- Respondents

For Petitioner : Mr. Rajeev Shrivastava, Advocate

For State : Mr. Kapil Maini, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09.12.2019**

1. Grievance of the petitioner is that the petitioner is presently victim of frequent transfer as in the year 2015 he was transferred from Gariyaband to Nawapara thereafter on 02.05.2017 he was transferred from Nawapara to Bagbahara and thereafter on 28.09.2018 he was transferred from Bahbehara to Kurud, the present place of posting and now again within a short span of time about 14 months, the petitioner has been transferred from Kurud to Raigarh.

2. It is contended that in place of the petitioner, the junior has been posted, which is against the transfer policy, as senior cannot be replaced by junior, therefore, the transfer of the petitioner may be canceled.
3. Perused the documents. Perusal of the document shows that the petitioner was initially by Annexure P-2 on 13.05.2015 transferred from Gariyaband to Nawapara; thereafter, by Annexure P-3 on 02.05.2017 from Nawapara to Bagbahara; thereafter, on 28.09.2018 by Annexure P-4 from Bagbahara to Kurud, Dhamtari and thereafter the present transfer.
4. Perused clause 2.14 of the transfer policy, which purports that if the senior officer is transferred, the charge may not be given to the junior person and in this case as appears one Rajkumar Ratre, Mandi Inspector, has been transferred to the place of the petitioner whereas the petitioner is shown to be Secretary of Krishi Upaj Mandi. Considering the same, the petitioner is given liberty to make a fresh representation to respondent No.3 within a period of 15 days, who in turn shall decide the same within an outer limit of 60 days from the date of receipt of the representation. In the meanwhile, under the facts of the case, the transfer of the petitioner shall not be given effect to, till the representation is decided.
5. With such observation, the petition stands disposed off.

Sd/-
(Goutam Bhaduri)
Judge